

PRISONER'S CIVIL RIGHTS COMPLAINT (Rev. 05/2015)

CLERK U.S. DISTRICT COURT
NORTHERN DIST. OF TX
LUBBOCK DIVISION

IN THE UNITED STATES DISTRICT COURT
FOR THE Northern DISTRICT OF TEXAS
Lubbock DIVISION

2022 FEB 14 AM 9:11

DEPUTY CLERK BMJ

Robert Grizzle #1998719

Plaintiff's Name and ID Number

Preston E Smith unit

Place of Confinement

5-22 CV 0017-B
CASE NO.

(Clerk will assign the number)

v.

Bryson McIntire 1313 CR 14 Lamesa TX 79331

Defendant's Name and Address

Madison Hendricks 8602 peach Ave Lubbock, TX 79404

Defendant's Name and Address

Lindsay Hummel 8602 peach Ave Lubbock, TX 79404

Defendant's Name and Address

(DO NOT USE "ET AL.")

Continued on page 6

INSTRUCTIONS - READ CAREFULLY

NOTICE:

Your complaint is subject to dismissal unless it conforms to these instructions and this form.

1. To start an action you must file an original and one copy of your complaint with the court. You should keep a copy of the complaint for your own records.
2. Your complaint must be legibly handwritten, in ink, or typewritten. You, the plaintiff, must sign and declare under penalty of perjury that the facts are correct. If you need additional space, **DO NOT USE THE REVERSE SIDE OR BACK SIDE OF ANY PAGE.** ATTACH AN ADDITIONAL BLANK PAGE AND WRITE ON IT.
3. You must file a separate complaint for each claim you have unless the various claims are all related to the same incident or issue or are all against the same defendant, Rule 18, Federal Rules of Civil Procedure. Make a short and plain statement of your claim, Rule 8, Federal Rules of Civil Procedure.
4. When these forms are completed, mail the original and one copy to the clerk of the United States district court for the appropriate district of Texas in the division where one or more named defendants are located, or where the incident giving rise to your claim for relief occurred. If you are confined in the Texas Department of Criminal Justice, Correctional Institutions Division (TDCJ-CID), the list labeled as "VENUE LIST" is posted in your unit law library. It is a list of the Texas prison units indicating the appropriate district court, the division and an address list of the divisional clerks.

FILING FEE AND IN FORMA PAUPERIS (IFP)

1. In order for your complaint to be filed, it must be accompanied by the statutory filing fee of \$350.00 plus an administrative fee of \$50.00 for a total fee of **\$400.00**.
2. If you do not have the necessary funds to pay the fee in full at this time, you may request permission to proceed *in forma pauperis*. In this event you must complete the application to proceed *in forma pauperis*, setting forth information to establish your inability to prepay the fees and costs or give security therefor. You must also include a current six-month history of your inmate trust account. If you are an inmate in TDCJ-CID, you can acquire the application to proceed *in forma pauperis* and the certificate of inmate trust account, also known as *in forma pauperis* data sheet, from the law library at your prison unit.
3. The Prison Litigation Reform Act of 1995 (PLRA) provides "... if a prisoner brings a civil action or files an appeal *in forma pauperis*, the prisoner shall be required to pay the full amount of a filing fee." See 28 U.S.C. § 1915. Thus, the court is required to assess and, when funds exist, collect, the entire filing fee or an initial partial filing fee and monthly installments until the entire amount of the filing fee has been paid by the prisoner. If you submit the application to proceed *in forma pauperis*, the court will apply 28 U.S.C. § 1915 and, if appropriate, assess and collect the entire filing fee or an initial partial filing fee, then monthly installments from your inmate trust account, until the entire \$350.00 statutory filing fee has been paid. (The \$50.00 administrative fee does not apply to cases proceeding *in forma pauperis*.)
4. If you intend to seek *in forma pauperis* status, do not send your complaint without an application to proceed *in forma pauperis* and the certificate of inmate trust account. Complete all essential paperwork before submitting it to the court.

CHANGE OF ADDRESS

It is your responsibility to inform the court of any change of address and its effective date. Such notice should be marked "**NOTICE TO THE COURT OF CHANGE OF ADDRESS**" and shall not include any motion for any other relief. Failure to file a NOTICE TO THE COURT OF CHANGE OF ADDRESS may result in the dismissal of your complaint pursuant to Rule 41(b), Federal Rules of Civil Procedure.

I. PREVIOUS LAWSUITS:

- A. Have you filed any other lawsuit in state or federal court relating to your imprisonment? YES NO
- B. If your answer to "A" is "yes," describe each lawsuit in the space below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, giving the same information.)
 1. Approximate date of filing lawsuit: March 2020
 2. Parties to previous lawsuit:

Plaintiff(s) Robert Grizzle

Defendant(s) Stephanie Elliot, Cynthia Tilley, Samuel Matthews
 3. Court: (If federal, name the district; if state, name the county.) USDC West District of Texas, Waco Division
 4. Cause number: W-20-LA-167
 5. Name of judge to whom case was assigned: Alan D. Albright
 6. Disposition: (Was the case dismissed, appealed, still pending?) Reversed / pending
 7. Approximate date of disposition: Current

II. PLACE OF PRESENT CONFINEMENT: Preston Smith unit

III. EXHAUSTION OF GRIEVANCE PROCEDURES:

Have you exhausted all steps of the institutional grievance procedure? YES ☒ NO

Attach a copy of your final step of the grievance procedure with the response supplied by the institution.
I attempted to... see complaints statement of claim

IV. PARTIES TO THIS SUIT:

A. Name and address of plaintiff: Robert Grizzle #199871a Smith
unit 1313 CR 1a Lamesa TX 79331

B. Full name of each defendant, his official position, his place of employment, and his full mailing address.

Defendant #1: Bryson McIntire, captain Smith unit 1313 CR 1a
Lamesa TX 79331

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

used excessive force without need took property without due process
pursuant to state policies, was deliberately indifferent to my serious medical needs

Defendant #2: Madison Hendricks C/O, Montford unit 8602 Peach Ave
Lubbock TX, 79404

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

was deliberately indifferent to my serious medical needs

Defendant #3: Lindsay Hummel Psych. Counselor Montford unit
8602 Peach Ave Lubbock TX 79404

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

was deliberately indifferent to my serious medical needs...
suicide risk

Defendant #4: John Doe #1 RANK unknown Smith unit 1313
CR 1a Lamesa TX 79331 Address unknown

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

Compelled me to institute a policy that caused me to live in
inhumane conditions.

Defendant #5: Maria Guerra C/O Smith unit 1313 CR
1a Lamesa TX 79331

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

was deliberately indifferent to my serious medical
needs.

V. STATEMENT OF CLAIM:

State here in a short and plain statement the facts of your case, that is, what happened, where did it happen, when did it happen, and who was involved. Describe how each defendant is involved. You need not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Attach extra pages if necessary, but remember the complaint must be stated briefly and concisely. IF YOU VIOLATE THIS RULE, THE COURT MAY STRIKE YOUR COMPLAINT.

VI. RELIEF:

State briefly exactly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.

VII. GENERAL BACKGROUND INFORMATION:

A. State, in complete form, all names you have ever used or been known by including any and all aliases.

Robert James Gizzle, T3X, Bastard, L2 Bastard, John Smith, Tarzan Spiderman, meggyver

B. List all TDCJ-CID identification numbers you have ever been assigned and all other state or federal prison or FBI numbers ever assigned to you.

#1998719 and #1330107 Both TDCJ - JP

VIII. SANCTIONS:

A. Have you been sanctioned by any court as a result of any lawsuit you have filed? ☐ YES ☒ NO

B. If your answer is "yes," give the following information for every lawsuit in which sanctions were imposed. (If more than one, use another piece of paper and answer the same questions.)

1. Court that imposed sanctions (if federal, give the district and division): _____

2. Case number: _____

3. Approximate date sanctions were imposed: _____

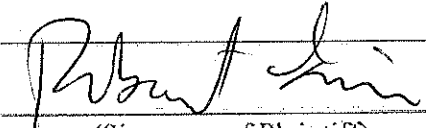
4. Have the sanctions been lifted or otherwise satisfied? ☐ YES ☒ NO

C. Has any court ever warned or notified you that sanctions could be imposed? _____ YES _____ NO

D. If your answer is "yes," give the following information for every lawsuit in which a warning was issued. (If more than one, use another piece of paper and answer the same questions.)

1. Court that issued warning (if federal, give the district and division): _____
2. Case number: _____
3. Approximate date warning was issued: _____

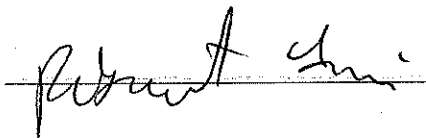
Executed on: 2-8-22
DATE


(Signature of Plaintiff)

PLAINTIFF'S DECLARATIONS

1. I declare under penalty of perjury all facts presented in this complaint and attachments thereto are true and correct.
2. I understand, if I am released or transferred, it is my responsibility to keep the court informed of my current mailing address and failure to do so may result in the dismissal of this lawsuit.
3. I understand I must exhaust all available administrative remedies prior to filing this lawsuit.
4. I understand I am prohibited from bringing an *in forma pauperis* lawsuit if I have brought three or more civil actions or appeals (from a judgment in a civil action) in a court of the United States while incarcerated or detained in any facility, which lawsuits were dismissed on the ground they were frivolous, malicious, or failed to state a claim upon which relief may be granted, unless I am under imminent danger of serious physical injury.
5. I understand even if I am allowed to proceed without prepayment of costs, I am responsible for the entire filing fee and costs assessed by the court, which shall be deducted in accordance with the law from my inmate trust account by my custodian until the filing fee is paid.

Signed this 2 day of Feb, 20 22
(Day) (month) (year)


(Signature of Plaintiff)

WARNING: Plaintiff is advised any false or deliberately misleading information provided in response to the above questions may result in the imposition of sanctions. The sanctions the court may impose include, but are not limited to, monetary sanctions and the dismissal of this action with prejudice.

- 4] John Doe #1 1313 CR 19 Lamesa TX 79331
- 5] Maria Guerra 1313 CR 19 Lamesa TX 79331
- 6] Amber Hansen 8602 Peach Ave Lubbock TX 79404
- 7] Jane Doe #1 8602 Peach Ave Lubbock TX 79404
- 8] Jane Doe #2 8602 Peach Ave Lubbock TX 79404
- 9] John Doe #2 8602 Peach Ave Lubbock TX 79404
- 10] Robin Bolla 8602 Peach Ave Lubbock TX 79404
- 11] Jane Doe #3 8602 Peach Ave Lubbock TX 79404
- 12] Devin Esquivel 8602 Peach Ave Lubbock TX 79404
- 13] Steven Hammond 8602 Peach Ave Lubbock TX 79404
- 14] Jane Doe #4 8602 Peach Ave Lubbock TX 79404
- 15] Aaron Baughman 8602 Peach Ave Lubbock TX 79404
- 16] Jane Doe #5 8602 Peach Ave Lubbock TX 79404
- 17] Jenicka Evans 8602 Peach Ave Lubbock TX 79404
- 18] John Doe #3 8602 Peach Ave Lubbock TX 79404
- 19] Jordan Chavez 8602 Peach Ave Lubbock TX 79404
- 20] Rachel Lonsoria 8602 Peach Ave Lubbock TX 79404
- 21] Forrest Milton 8602 Peach Ave Lubbock TX 79404
- 22] Nathan Shaffer 8602 Peach Ave Lubbock TX 79404
- 23] John Doe #4 8602 Peach Ave Lubbock TX 79404
- 24] John Doe #5 8602 Peach Ave Lubbock TX 79404
- 25] L. Smith 1313 CR 19 Lamesa TX 79331
- 26] Ricky T. Burrell 8602 Peach Ave Lubbock TX 79404
- 27] John Doe #6 1313 CR 19 Lamesa TX 79331

- (28) John Doe #7 1313 CR 19 Lamesa TX 79331
- (29) Anthony Taylor 1313 CR 19 Lamesa TX 79331
- (30) John Doe #8 1313 CR 19 Lamesa TX 79331
- (31) Gerardo Sanchez 1313 CR 19 Lamesa TX 79331
- ~~(32) [scribbled out]~~
- ~~(33) [scribbled out]~~
- ~~(34) [scribbled out]~~
- (34) John Doe #9 1313 CR 19 Lamesa TX 79331
- (35) Kelly Brown 1313 CR 19 Lamesa TX 79331
- (36) John Doe #10 nurse 8602 Peach Ave Luskock TX 79404
- (37) Terri Rose 1313 CR 19 Lamesa, TX 79331
- (38) Jane Doe #7 nurse 8602 Peach Ave Luskock TX 79404
- (39) John Doe #11 1313 CR 19 Lamesa TX 79331
- (40) John Doe #12 1313 CR 19 Lamesa, TX 79331
- (41) John Doe #13 1313 CR 19 Lamesa, TX 79331
- (42) Jim Webb 1313 CR 19 Lamesa, TX 79331
- ~~(43) [scribbled out]~~
- (43) The Texas Department of Criminal Justice
- (44) Jessica Rojas 1313 CR 19 Lamesa TX 79331

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- (43) Bryan L. Luna 8602 Peach Ave, Lubbock TX, 79404
 - (46) Andrea B. Lozada 8602 Peach Ave, Lubbock TX 79404
 - (47) Ricardo Ramirez 8602 Peach Ave Lubbock, TX 79404
 - (48) David Reed Jr 8602 Peach Ave Lubbock, TX 79404
 - (49) Adam Ybarra 8602 Peach Ave Lubbock, TX 79404
 - (50) Michael Session 8602 Peach Ave Lubbock TX 79404
 - (51) the State of Texas
 - (52) Cody Parker 1313 CR 19 Lamesa TX 79331
 - (53) Michael Miller 1313 CR 14 Lamesa, TX 79331
 - (54) Ruben Garcia 1313 CR 14 Lamesa TX 79331
 - (55) Clemente Olvera III 1313 CR 14 Lamesa TX 79331
 - (56) Rene Robles 1313 CR 14 Lamesa TX 79331
 - (57) Bryan Collier PO Box 99 Huntsville, TX 77342
 - (58) Jane Doe #8 1313 CR 14 Lamesa, TX 79331

(1) Approx Date of Filing March 2020 (2) Plaintiffs - Robert Grizzle
(3) Defendants Fernando marez, darrius dudley, willard mayer, sharon leas
Barbara Brackers, Jason Reagon, Kenneth rustell, patricia lemasters
union elege (3) - Court - Federal - western dist. of TX waco D.V
(4) cause no. 6:20 cv 168 (5) Judge Alan d. Albright (6)
set for trial (7) current

(1) Approx Date of Filing March 2020 (2) Plaintiffs - Robert Grizzle
defendants - Kevin stipes Billy Jackson (3) Federal Court western
dist. of TX waco D.V. (4) Cause no 6:20 cv 183 (5) Judge
Alan d. Albright (6) On Appeal @ 5th Cir. (7) Current.

(1) Approx Date of Filing - March 2020 (2) Plaintiffs - Robert Grizzle
defendants - stacie mc collum, Joseph watt, swa Pederson, Jane Doe #1 (nurse)
(3) Federal Court eastern dist. of TX tyler div. (4) cause no 6:20 cv 214
(5) Magistrate Judge K. Nicole Mitchell (6) pending (7) Current

(1) Approx Date of Filing March 2020 (2) Plaintiffs - Robert Grizzle
defendants - Matthew Youmans, Jane Doe AKA nurse waltz, Frederick
mc ollough, Herbert Battle (Robert Hill, Brande Coffman,
Andrea walker, Kenneth hutto, mark Roberts (3) Federal Court
eastern dist of TX lufkin div. (4) Cause no 9:20 - cv 37 (5) Judge Ronclark
(6) Current (7) Still Pending

Approx Date of Filing March 2020 (2) Plaintiffs - Robert Grizzle
defendants - Brande Coffman, Curtis Rannels, Korie Baugh, Tammy love
Samuel Kura, Jaquille Reed, Bruce Johnson, mark Roberts, Robert
hill, martha walker, mervin cleveland, Lourdes Wyatt, michael
Brown, Jane Doe #2, Jane Doe #3 (3) Federal Court eastern
dist of TX lufkin div. (4) cause no 9:20 cv - 44 (6) Still Pending
(7) Current (5) Judge Ronclark

(1) Approx Date of Filing March 2020 (2) Plaintiffs - Robert Grizzle (Defendants) - Deanna Davis, Christopher Bell, Kwatis Tillis, Martha Walker, Stephen Martin, Jane Doe #1 AKA nurse watts, Mark Roberts, Sarah Ross, OluFaimilayo ~~adef~~ adetolami, Cindy Davis, Azim Hasan, Bruce Johnson, Andrea Walker, Kenneth Hutto (3) Federal Court east dist of TX iu fkn D.V. (4) Case no 9120 - CV 36 (5) Judge Ron Clark (6) Still Pending - (7) Current

(1) Approx Date of Filing Nov 2021 (2) Plaintiff - Robert Grizzle Defendants Stacie McCollum, Sgt Delaney, Sgt Austin, Chasity Jackson, Jane Doe #2 Jane Doe #3, John Doe #1, John Doe #2, T. Sessions (3) Federal Court USDC for the eastern dist of TX Tyler D.V. (4) Case no 6:21 CV447 (5) Magistrate K. Nicole Mitchell (6) Pending (7) Current

(1) Approx Date of Filing Nov 2021 (2) Plaintiff Robert Grizzle Defendants Vance Marcum - John Doe #1, John Doe #2 (3) USDC for the Southern dist of TX - Houston D.V. (4) Case no 4:21-03720 (5) George C Hanks JR (6) Pending (7) Current.

Defendants

- ⑥ Amber Hansen Seargent Montford unit 8602 Peach Ave Lubbock
TX 79404-
was deliberately indifferent to my serious medical needs ✓
- ⑦ Jane Doe #1 Nurse Montford unit 8602 Peach Ave
Lubbock, TX 79404
was deliberately indifferent to my serious medical needs ✓
- ⑧ Jane Doe #2 Nurse Montford unit 8602 Peach Ave
Lubbock TX 79404
was deliberately indifferent to my serious medical needs ✓
- ⑨ John Doe #2 C/O Montford unit 8602 Peach Ave Lubbock
TX 79404
was deliberately indifferent to my serious medical needs ✓
- ⑩ Robin Bolla C/O Montford unit 8602 Peach Ave, Lubbock
TX 79404
was deliberately indifferent to my serious medical needs ✓
- ⑪ Jane Doe #3 Nurse Montford unit 8602 Peach Ave
Lubbock TX 79404 - was deliberately indifferent to my serious medical needs ✓
- ⑫ Devin Egghart Seargent Montford unit 8602 Peach Ave
Lubbock TX 79404
was deliberately indifferent to my serious medical needs ✓
- ⑬ Steven Hammond C/O Montford unit 8602 Peach Ave
Lubbock TX 79404
was deliberately indifferent to my serious medical needs, caused me
to live in a condition of cruel and unusual punishment 11 ✓

- Case #4 C/O Montford unit 8602 Peach Ave Lubbock, TX
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- (14) Jane Doe #4 C/O Montford unit 8602 Peach Ave, Lubbock TX 79404 - was deliberately indifferent to my serious medical needs, caused me to live in a condition that was cruel and unusual ✓
- (15) Aaron Baughman C/O Montford unit 8602 Peach Ave, Lubbock TX 79404 - was deliberately indifferent to my serious medical needs ✓
- (16) Jane Doe #5 Nurse-med aide Montford unit 8602 Peach Ave Lubbock TX 79404 - was deliberately indifferent to my serious medical needs ✓
- (17) Serizka Evans Seargent Montford unit 8602 Peach Ave Lubbock TX 79404 - was deliberately indifferent to my serious medical needs, caused me to live in a condition that was cruel and unusual ✓
- (18) John Doe #3 Captain Montford unit 8602 Peach Ave Lubbock TX 79404 - was deliberately indifferent to my serious medical needs, caused me to live in a condition that was cruel and unusual ✓
- (19) Jordan Chavez C/O Montford unit 8602 Peach Ave Lubbock TX 79404 - was deliberately indifferent to my serious medical needs ✓
- (20) Rachel Longoria - C/O Montford unit 8602 Peach Ave Lubbock TX 79404 - was deliberately indifferent to my serious medical needs, caused me to live in a condition that was cruel and unusual ✓
- (21) Forrest Milton C/O Montford unit 8602 Peach Ave Lubbock TX 79404 - was deliberately indifferent to my serious medical needs, caused me to live in a cruel and unusual condition ✓
- (22) Nathan Shaeffer C/O Montford unit 8602 Peach Ave Lubbock, TX 79404 was deliberately indifferent to my serious medical needs, caused me to live in a cruel and unusual condition ✓
- (23) John Doe #4 Seargent Montford unit 8602 Peach Ave Lubbock, TX 79404 was deliberately indifferent to my serious medical needs, caused me to live in a cruel and unusual condition. ✓

- (24) John Doe #5 Lieutenant Montford unit 8602 Peach Ave, Lubbock TX 79404 - was deliberately indifferent to my serious medical needs ✓
caused me to live in a condition that was cruel and unusual
- (25) L. Smith nurse/na Smith unit 1313 CR 19 Lamesa TX 74331 ✓
was deliberately indifferent to my serious medical needs
- (26) Ricky T. Burescu Doctor - Montford unit 8602 Peach Ave Lubbock, TX 79404 - was deliberately indifferent to my serious medical needs ✓
- (27) John Doe #6 Classification/Comtroom Montford unit 8602 Peach Ave Lubbock TX 79404 ✓
caused me to live in cruel and unusual conditions of confinement
- (28) John Doe #7 C/O Smith unit 1313 CR 19 Lamesa TX 79331
caused me to live in a condition that was cruel and unusual
- (29) Anthony Taylor C/O Smith unit 1313 CR 19 Lamesa TX 79331
was deliberately indifferent to my serious medical needs
- (30) John Doe #8 unknown Rank 1313 CR 19 Lamesa TX 79331
was deliberately indifferent to my serious medical needs
- (31) Gerardo Sanchez Sergeant 1313 CR 19 Lamesa, TX 79331
was deliberately indifferent to my serious medical needs
- ~~(32) [REDACTED] 1313 CR 19 Lamesa TX 79331 was deliberately indifferent to my serious medical needs~~
- ~~(33) [REDACTED] 8602 Peach Ave Lubbock TX 79404 was deliberately indifferent to my serious medical needs~~
- (34) John Doe #9 ~~na~~ C/O Smith unit 1313 CR 19 Lamesa TX 79331 was deliberately indifferent to my serious medical needs ✓

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(35) Kelly Brown Nurse LV1 Smith unit 1313 CR 19 Lamesa
TX 79331 - was deliberately indifferent to my serious
needs.

(36) John Doe #10 Nurse Montford unit 8602 Peach Ave
Lubbock TX 79404 - was deliberately indifferent to my
serious medical needs

(37) Terri Rose ^{medical director/} Doctor Smith unit ~~86~~ 1313 CR 19 Lamesa
TX 79331 - was deliberately indifferent to my serious medical
needs

(38) Jane Doe #7 Nurse AKA Nurse Stiles Montford unit 8602
Peach Ave Lubbock TX 79404 -
was deliberately indifferent to my serious medical needs

(39) John Doe #11 chain Boss Smith unit 1313 CR 19
Lamesa TX 79331 - caused me to live in Inhumane conditions
of confinement

(40) John Doe #12 Classification Smith unit 1313 CR 19
Lamesa TX 79331 - caused me to injure myself further
By not housing me in a medical shower accessible shower
constituting deliberate indifference to my serious medical needs

(41) John Doe #13 unknown Rank Smith Unit 1313 CR 19
Lamesa, TX 79331 - was deliberately indifferent to my serious
medical needs.

(42) Jim Webb Warden Smith unit 1313 CR 19 Lamesa
TX 79331
was deliberately indifferent to my serious medical needs, Failed to
take action after I informed him I was being forced to live
in inhumane conditions

violated my ADA Rights And Rehabilitation Rights

- (44) ^{jes. za} B. Rojas Nurse Smith unit 1313 CR19 lanesu, TX 79331
was deliberately indiffernt to my serious medical needs
- (45) Bryan L Luna Captain Montford unit 8602 peach Ave lubbock TX 79404 - violated my Americans with Disabilities Act and Rehabilitation act - Rights
- (46) Andrea Lozada warden Montford unit 8602 peach Ave lubbock TX 79404, violated my ADA and Rehabilitation Act Rights
- (47) Ricardo Ramirez major Montford unit 8602 peach Ave lubbock TX, 79404 violated my ADA Rights And my Rights under the Rehabilitation act.
- (48) David Reed JR Ass. warden, Montford unit 8602 peach Ave lubbock TX 79404 violated my ADA Rights and my Rights under the Rehabilitation act
- (49) Adam y Garra Captain Montford unit, 8602 peach Ave lubbock TX 79404 violated my ADA Rights And my Rights under the Rehabilitation act
- (50) Michael Session Captain Montford unit - 8602 peach Ave lubbock TX 79404 violated my ADA Rights And my Rehabilitation Act Rights
- (51) the State of Texas violated my ADA Rights And my Rehabilitation Rights

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(52) Cody Parker Ass. Warden Smith unit 1313 CR 19 Lamesa, TX
79331 - was del. ind. to my serious medical needs, failed to properly train, superv.
staff, created a system of deficiencies in medical dept.

(53) Michael Miller Ass. Warden Smith unit 1313 CR 19 Lamesa, TX
79331 was deliberately indifferent to my serious med. needs, failed to properly
train, supervise, created a system of deficiencies in med system

(54) Ruben Garcia Corroft-Smith unit 1313 CR 19 Lamesa TX
79331 - prevented me from attending med. appt. constituting del.
ind. to my serious med. needs.

(55) Clementine Olvera III 1313 CR 19 Lamesa TX 79331
corr. officer
was del. ind. to my serious med. needs by preventing me
from attending a medical appt. ignoring complaints of serious
med. needs

(56) Rene Robles Sergeant 1313 CR 19 Lamesa TX 79331
Smith unit
was del. ind. to my serious medical needs

(57) Bryan Collier Director of TDCJ poBox 99 Huntsville, TX
27342
Failed to properly train, supervise, staff, & failed to follow his
own policies and procedures as required by TX c.v. codes mandated
which is a violation of due process.

(58) Jane Doe #8 Smith unit medical Records 1313 CR 19 Lamesa
TX 79331
was del. ind. to my serious medical needs, refused to allow me to
look at my medical Records.

Statement of Claim:

- ① IN May 2021 I was hit in my knee cap (Right) with a home made Axe in Retaliation for Being accused of Being a snitch.
- ② I told the officers that a locker door came open and hit me in my knee
- ③ I was afraid I'd Be Killed if I told the truth
- ④ I was already under transit status on an offender protection investigation and I was a Confidential Informant
- ⑤ I did not feel safe telling the truth
- ⑥ At medical then told Security that I had to Be at the hospital in 1 hour or I'd have to go by ambulance. it took a couple hours for them to get me to the hospital.
- ⑦ I received 9 staples in my Right knee cap at the E.R.
- ⑧ NO X Rays nor MRI'S were Done. The laceration was treated and thats it.
- ⑨ after a few Days I was transferred to the ellis unit in Huntsville TX
- ⑩ there they waited the maximum Allotted time to take out the staples
- ⑪ when they took the staples out the wound Busted open
- ⑫ I went Back to medical at the ellis unit where provider Martha Walker told medical Staff to put a Band aid on the wound and thats it.
- ⑬ I have a Couple §1983's and several grievances on Martha Walker from the Eastham unit 2019 and 2020 (about).
- ⑭ I was sent Back to my Cell.
- ⑮ a few weeks Later I was sent to the smith unit in James TX.
- ⑯ I've Been Complaining about Knee problems since coming in July or August '21.

(17) I saw ~~Dr. [unclear]~~ Castro Around Aug 21, and she did pretty much nothing for me

(18) she ignored my complaints of pain

(19) still I put in more sick calls complaining of knee pain

(20) one day at medical my I.D. was lost around Aug 21

(21) Because of this I went awhile without getting my medication

(22) next a blood test was done

(23) next someone determined that I wasn't taking my meds and with out an exam I was taken off of pain medication

(24) my knee has been in excruciating pain since then

(25) on Sept 24th I went to outside Recreation where I did Deadlifts And Squats. I did light weights in an attempt to move my leg stronger

(26) I injured my knee And giving Right knee left side of my groin

(27) I went to medical for a lay in where I told them I needed to do an injury report and they refused to do one

(28) I went Back to my Cell Block where I Fell in the Shower area And hurt myself worse

(29) I was sent Back to medical, I don't know the lady's name that was there that day. So well call her Jane Doe #6.

(30) Defendant Doe, Jane #6 failed to exam me Failed to Ask any questions, Ignored my complaints of pain.

(31) Defendant Jane Doe #6 went to "call" ~~Dr. [unclear]~~ McClure-Williams on telemed.

(32) ~~Defendant~~ McInire-Williams ordered me a cane, medical shower pass, ICE, But she ~~did not examine me period. nobody~~ examined me at all.

(33) on Sept 27th 2021 I had a medical lay in to see ~~Defendant~~ Castro about my injury.

(34) when it came time for me to attend my lay in, medical appointment ~~off~~ defendant olvera, Robles, And Lavein Refused to Allow me out of my cell to go to my medical appointment

(35) At this point I showed defendants Robles And olvera 2, Deep large cuts I had on my Right calf where I Fell and cut myself on my locker

(36) They laughed at me and ~~ref~~ prevented me from receiving medical attention.

(37) During this time I am generally Raising hell and screaming because I'm Bleeding profusely And in alot of pain

(38) Defendant McInire then came to my cell and told me I couldn't go to medical Because I was on "Restriction".

(39) I informed him that I was not on Any Restrictions once so ever that I was a normally classified inmate

(40) At this time Defendant McInire told me He still wasn't going to let me go to medical.

(41) next I showed him the 2 cuts I had on my leg And I told Defendant McInire that I Fell and Cut myself on the locker.

(42) He Responded that he was gonna tell medical that I cut myself

(43) Next Defendant K. Brown a nurse came to my cell, she told me that I had a medical lay in for my knee. she told me to cuff up so I could attend the medical appointment

(44) I informed her that I wasn't on Any status that required me to cuff up.

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- (45) I also told her I had 2 cuts on my right calf, I showed them to her. Informed her I was on alone. Couldn't cuff up to the back as I wouldn't be able to walk. Besides the fact that I was a normally classified inmate not required cuffs to go to medical.
- (46) so she looked a Defendant captain McIntire and asked him if that was all true
- (47) Defendant McIntire then responded "it don't matter in about to run the team and gas his ass!"
- (48) Defendant K. Brown then told ~~me~~ Defendant McIntire OK I'll tell em he said he was gonna cut himself
- (49) The 5 man team came about 2 hours later
- (50) Defendant McIntire was ordering me to submit to a strip search.
- (51) I was in the process of taking my pants off slowly because of my injuries and I was leaning on my cane
- (52) At this point unprovoked, while I was complying with orders Defendant McIntire sprayed me with C.S. gas.
- (53) The whole time I was complying with orders I was verbally telling them OK that I was complying.
- (54) Then I refused to strip, made them shoot more C.S. gas. After so long I gave up. Submitted to a strip search.
- (55) When the door came open Defendant McIntire disregarded my injuries, injuries that he knew about. He forced me to kneel on both knees, which caused something to pop in my knee, caused me extreme pain. I told him repeatedly I couldn't walk, yet he forced me to walk to the gurney.
- (56) I was then taken via gurney to high security B-wing 1 Row 15 Cell.

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- (57) As I was being taken out of Restrooms, Defendant McIntire asked me about my injuries and told him my knee was injured. He stated that it was a pre existing injury every injury I informed him of he "wrote off" and denied me medical attention.
- (58) Defendant McIntire refused to provide me with Soap to decontaminate and Remove the C.S. Gas From my Body
- (59) the Cell I was placed in had no shower, And no light.
- (60) It was Basically a STAP Cell as I had nothing But Boxer shorts
- (61) I was supposedly on Constant direct observation yet no officer sat in front of my cell to "constantly observe" me.
- (62) I was attempting to Remove the C.S. Gas from my eyes in the sink. At this time I fell and dislocated my knee next Defendant Guerra walked around, She looked in my cell and I showed her my dislocated knee, And the 2 large Deep cuts to my ~~left~~ Right calf. She ignored my Complaints, Refused to get me medical Attention.
- (63) I was forced to ~~hop~~ crawl around my cell to use the Restroom and I fell and hit my head twice.
- (64) Around 8-10 pm I was transferred to the Montford units C.S.S management program
- (65) At this time I was light headed Dizzy, I hadn't eaten lunch nor Dinner as this incident happened before lunch. I had not received my hypo glycemic snack. My Sugar was low AS I am on hypo glycemic. I had to Pop my own knee Back into place, I was in extreme Pain and Angry. And I was Burning all over from C.S. Gas.
- (66) Upon Arrival to the Montford unit I told defendant Hansen a sergeant that I couldn't walk and she got me a wheel chair.

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(67) My Intake was done By Nurse Jane Doe #7 AKA Nurse "Stiles" or something close to it. She was in the Mountford Unit Roster. Though I will be able to get her name from the my Medical records

(68) I Informed nurse Jane doe #7 (defendant) that I couldn't walk, needed a wheelchair accessible cell or a walking aide, that I had 2 large cuts on my Right calf that I was covered in cast gas and needed a medical shower to decontaminate.

(69) She informed me "That's all out the window" And my medical complaints, my serious medical needs were ignored.

(70) Next I was placed in a strip cell naked until about 2 hours went by whereupon I received a smock

(71) this smock is a thin piece of fabric that's 100% polyester, it's sleeveless and similar to a tanzanian old style that goes down to the knees

(72) this was to double as my clothing and bedding for 8 1/2 - 9 Days Star

(73) For this period I had to sleep on cold iron.

(74) I slept all Tuesday on Tuesday night 28th of Sept 2021 I woke up to use the Restroom whereupon my Right knee locked up and I fell hit my face on the Right side over my ~~knee~~ eye. It rendered me unconscious. I woke up to Nurse Stiles defendant Jane Doe #7 hitting my door asking me if I wanted my needs.

(75) At this point I sat up and spoke to her in a slur and she told the officer "Oh, I guess he Refuses."

(76) then Sergeant Hansen (defendant) and defendant Jane Doe #7 came to my cell, they turned on my lights and hollered my name. I heard defendant Hansen say his face is swollen. But he's breathing so fuck him.

- (77) I woke up sept 29th wednesday morning, I informed defendant Kendrick that I fell and hit my face the night before that I was dizzy, nauseous, unsteady, vomiting, with extreme head pain
- (78) She had me pulled out of the cell I saw the floor nurse Jane Doe #1 defendant. she took my vitals, noted Bruising, softness, contusion and swelling to my face, yet she asked no questions, ignored my complaints of pain. I received no medical treatment
- (79) I was taken back to my cell within 3 minutes
- (80) that night I fell and hit my head again and was rendered unconscious. I woke up in the night and informed defendant John Doe #2 the floor boss that night wed 29th and thurs morning the 30th, He ignored my complaints and told me "Ya Right Dude"
- (81) on the morning of thursday sept 30th 2021 I woke up with intense pain in my right knee, a migraine headache, sensitivity to light, nausea, vomiting, all symptoms of a concussion.
- (82) I was filthy as I'd not had a shower in 4 days and I still burned all over from exposure to C.S. gas. The 3 cuts I had on my leg had become infected
- (83) at about 6:15 Am defendant Kendrick did showers. I informed her that I had fell that night and needed medical attention I showed her I'd vomited several times in my cell. I explained that I was in extreme pain. she basically told me she couldn't help me.
- (84) she then took me to the shower and I was hopping on one leg the whole way. she tried to put me in a regular shower and I informed her that I had a medical shower pass. she asked the nurse who confirmed it. then they both told me "look - there is no medical shower, do you want a shower or not"
- (85) I was forced to shower in a regular shower on one foot.

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- (86) defendant Jane Doe #2 the B1 Floor Nurse for Thursday Sept 30th and defendant Hendricks ignored the fact that I had a medical shower pass and made me shower in a regular shower on one foot where I fell hitting my knee on the wall in the shower dislocating it again.
- (87) The guy in the shower left to me called for the officers.
- (88) defendant Bolla came opened my shower door whereupon he saw my dislocated knee, he grabbed my filthy cam, dirt and body oil encrusted smock on me and told me "cover yourself you animal".
- (89) next defendants Bolla and Hendricks manhandled me out of the shower and into a wheelchair with complete disregard to my injured knee hitting it on the wall hurting it further and causing me extreme pain.
- (90) I was taken by wheelchair to see defendant Jane Doe #2, who looked at my knee and said "yea thats serious".
- (91) she then told me I was already scheduled for an xray that day. That I would have to just wait.
- (92) next defendants Bolla and Hendricks took me to my cell via wheelchair, where I was dumped inside my cell.
- (93) about 2-3 hours later defendant Esquivel came to my cell and told me to cuff up so he could take me to my xray appointment.
- (94) I informed him that my knee was dislocated, showed him the dislocation and informed him that I couldn't walk.
- (95) He said "oh well I guess you refuse then".
- (96) Defendant Esquivel denied me medical attention.

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- (97) next Defendant Jane Doe #2 the B1 Floor nurse and came to my cell and told me this was my chance to get treated why was I refusing
- (98) I told her I Couldn't walk all the way to X-Ray that I needed a wheel chair. I heard her say "I hate when they do this Referring to ~~the~~ defendant Esquivel and his officers.
- (99) I languished all day in extreme pain from my D.S. located knee
- (100) around 5:1pm Another inmate on the Block Flooded the Rm with water, my cell was Flooded
- (101) The water had C.S. gas in it that came off the Floors and walls from past uses of Forces.
- (102) Due to this I could no longer get to the toilet when I had to use the Restroom as I couldn't hop on one Food through C.S. gas later water for Fear of Falling
- (103) that night the Floor Bosses defendant Hammond and Jane Doe #4 pulled out every inmate on the Block to clean the water out of their cells except me Because when they came on shift I showed them my dislocated knee. Informed them that I was in extreme pain and needed medical attention
- (104) their Reasoning for not cleaning my cell is 1) I Couldn't walk out of the cell. #2 they were afraid I would act up making their Job hard. They ignored my Complaints for medical.
- (105) Because of this I was Forced to defecate on the side of my Bunk. I also had to urinate the same way.
- (106) I suffered this way for about 40 hours
- (107) Friday ~~sept~~ out (st) I woke up and realized I was not going to get medical Attention. Despite extreme agony I popped my knee back into place I screamed violently and pulled out.

(108) My cell was flooded with C.S. gas laced water. My Bed had a pile of feces and urine right beside me.

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(109) Early in the morning Defendant Baughman did showers. I informed him that my leg had been dislocated, I was in extreme pain, that I had a concussion, he ignored my complaints and told me he wasn't going to shower because "we don't want a repeat of yesterday"

(110) During the day I informed every nurse and officer of my medical problems and the fact that my cell was flooded and I was forced to defecate on my floor by my bed.

(111) namely Jane Doe #3 a med aide nurse who told me, "they already know what do you want me to do" And defendant Evans a Sergeant, a Captain, John Doe #3, defendant Chavez a C/O, defendant Longoria, defendant Milton they all ignored my complaints

(112) at around 4-5 PM provider (psych) defendant Hummel came to talk to another inmate, at this time I cut my artery on my right arm at the bend of the elbow.

(113) defendant Milton responded to the incident, defendant Hummel looked in my cell and stated "I don't care, he ignored my serious medical needs namely suicide risk."

(114) defendant Milton laughed at me and stated "I hope you die."

(115) I received no treatment, they didn't even come to get the sharp piece of metal I used to cut myself with. These defendants denied me medical attention, ignored my complaints.

(116) Second shift came on at 6 PM, I informed defendant Shaffer that I'd cut myself, he left and came back about 10 minutes later with his Sergeant and Lieutenant John Doe #4 and John Doe #5

(117) they entered my cell and retrieved the sharp metal I cut myself with, yet they ignored my complaints for medical and left my cell flooded with feces and urine

(118) Defendant Shatter opened my door at Breakfast and gave me my Food. As I couldn't get up to get my Food.

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(119) John Doe #10 (defendant) was the morning med and nurse. He gave me my medication in the morning, when he told him about my leg and head and all my medical problems. He threw my medications in the feces on my floor and told me to stop pulling suicide stunts.

(120) All Day long on Saturday morning Oct 2nd the inmates on my block complained about the smell, about 10 pm Defendant Chavez, Longoria and Milton opened my door and brought me 2 inmate orderlies in to my cell to clean up the urine and feces.

(121) There with them was officer Justice Casel.

(122) Now I was able to use the Restroom By hopping to it on one leg.

(123) Defendants Milton, Chavez, and Longoria, could clearly see my Right knee was grotesquely swollen. I had a knot on my eye and a large cut on my Right Arm and 2 infected cuts on my Right Calf and one on my left knee. They ignored my complaints for medical attention.

(124) On Monday I was pulled out of my cell By wheel chair to see defendant Dr. Burreseca, he looked at my knee asked some questions, he ordered me taken to X-Rays via wheel chair.

(125) I received no treatment. He ignored my complaints of pain.

(126) He then discharged me from crisis management.

(127) About 1 hour later I was taken to X-Ray via wheelchair.

(128) Defendant John Doe #6 was responsible for moving me from crisis management after being discharged. Instead this person made me spend an extra 48 hours in crisis management, which is basically a Strip Cell.

(129) For the entire 8 1/2 days I spent in crisis management I was forced to wear the same clothing that doubled as my bedding.

(130) At the end of 8 1/2 days this smock was filthy, smelly, with feces, urine, blood, sweat, dead skin, body oil, and even vomit discharge

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(131) John Doe #1 is an unknown person responsible for instituting the policy that changed suicide blankets to these smocks, without including any policy by which the smocks could be changed out after becoming dirty since they are considered clothing

(132) I spent 8 1/2 ~~days~~ days in a strip cell, in intake along in my right knee, head, scrotum and with 3 infected cuts ~~all~~ all became defendant's mentor and K. BROWN lied and said I stated I would cut myself.

(133) I spent an extra 48 hours in this condition after being discharged from crisis management.

(134) On wed oct 6th I was transferred back to the Smith unit via van.

(135) I had to hop on one foot over 1000 feet from crisis management area of mentford unit to the chain area in agony pain. I was denied a crutch, cane even though I was ~~referred~~ ordered one by medical.

(136) I arrived at the Smith unit barefoot, I was forced to hop around on one foot barefoot.

(137) John Doe #11 is a defendant who was ~~also~~ the chain boss, in charge of providing incoming "chain" inmates with basic human necessities such as toilet paper, clothing, soap, shoes etc... This person denied me those items & spent ~~some~~ about 5 days with no toilet paper, I took a week for me to get my property so I went 7 days with no shoes. I went several weeks with no clean clothes as I had none to exchange (Boxers) and (socks)

(138) After arriving at the Smith unit I was using the Restroom in the hallway when my knee popped and hit the door frame at this point I was forced to crawl around for 5 hours before medical would see me

- (139) I was seen by defendants ^{Dr.} Rojas and L. Smith. I believe both are LMS of the ambulance.
- (140) Defendant Smith then ordered me a crutch, a knee immobilizer or mobilizer? and be sent out to the E.R. for X-Rays.
- (141) Defendant Rojas came and told Defendant Smith that ~~they~~ there weren't any knee mobilizers/immobilizers in stock and basically told me "you're screwed".
- (142) I told both these defendants I had extreme pain in my scrotum, a migrate headache and all that happened to me at Montford unit and they ignored my complaints.
- (143) During this entire episode the only thing medical would do for my pain would be to switch between IB Profen and Naproxen, even though I informed them every time that neither would work. Defendant Rojas personally told me that they do that so in the long run they can say they did something.
- (144) Doing something known as ineffective is the same as doing nothing or worse.
- (145) I was placed in a cell that had no medical shower even though I was required one by medical.
- (146) I took a shower and fell and cut my knee.
- (147) Defendant John Doe #12 ~~is~~ was responsible for not housing me in a medical shower accessible cell, causing me to fall and further injury my self.
- (148) Defendant John Doe #13 was responsible for making sure I was transferred to the E.R. for X-Rays in a timely manner and failed to do so. It wasn't until I fell and cut my knee that this defendant had me transferred to the E.R.
- (149) The E.R. diagnosed me with a contusion to the lower limb and gave me 1 stitch in the laceration.

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- (150) I was Brought Back in the Same Blood covered clothes I went to the ER. IN and wasn't provided with clean clothes
- (151) The next morning I went to medical And was Seen By defendant L. Smith ~~and~~ ~~Defendant~~ ~~Defendant~~
- (152) ~~She~~ ~~He~~ ignored my complaints of scrotum pain, Headache and Knee Pain, And Cuts to my legs that had gone untreated.
- (153) nothing was done Period
- (154) I Filed a Step 1 one ~~of~~ grievance on everything that had happened up to this point in the complaint
- (155) As of today January 7th 2022 I've received no Response to that grievance or Any other grievance I've Filed on the Smith unit
- (156) I went several of the next Days without getting Any of my medication. I suffered in pain with no treatment.
- (157) All this time up until I Received my property on about 10-13-21 I wasn't able to practice my catholic Religion. I had no clean clothes, no hygiene products, no medications I had to walk around Barefoot
- (158) on Oct, 7th or 8th I spoke Directly to defendant J.M. web the head warden and He Basically told me I'd just have to wait... whatever that's supposed to mean
- (159) During this entire time I told every defendant of my medical problems and I was ignored each And every time
- (160) At this point I started putting in sick calls complaining about everything I had wrong with me

(161) ON 10-9-21 I had a medical appointment, defendant Taylor was working my wing that day and he prevented me from attending my medical appointment

(162) from Oct-9th to Oct-14th I had a medical appointment each day and was prevented from attending those medical appointments by the block officers. They will be defendants after discovery

(163) defendant Sanchez a sergeant prevented me from attending a medical appt. on 10-14-21

(164) From 10-7-21 to about 10-19-21 I put in sick calls every day about extreme pain in my scrotum, right knee, head, about security taking my (medications keep on person mess) about the nurse not bringing me meds. Every one of these days I also told the block bosses who were working about these medical problems when they denied me attendance to my medical appointments

(165) each and every time I put in a sick call or told officers I was ignored.

(166) Here's what's going on An inmate puts in a sick call, medical provides you with an appointment, then on the day of your appointment, the officers tell you oh they've got to call for you or you can't go and they don't let you go. Then medical will tell you we don't call for you. So medical and security point the finger at each other yet the inmates get screwed

(167) they know this is going on I've told defendants to their faces, defendants Webb, Miller, Parker

~~168~~ (168) From Oct 6th 2021 to now January 8th 2022 I've put in 100 sick calls and I've been seen by medical about 5 times

(169) I've had about 30 plus medical appointments denied.

(170) I've had complaints of serious needs go ignored for several months now.

- (171) I had the one suture in my knee cap. I was denied extending my appointments to have it removed. I had to remove it myself with a Razer Blade.
- (172) I've been ignored or severe genital pain, left heel pain, major headaches, vision problems, extreme pain in my back (lower) ~~the~~ Right knee, neck. Rashes,
- (173) once I had infected sores on my head from dandruff psoriasis sores. I put in and was ~~was~~ ignored for it. the 3rd or 4th sick call medical sent me dandruff shampoo with out an examination
- (174) on 11-22-21 I was seen by defendant Rose for my Right knee. She gave me a cane, knee brace, and put in a blood test so she could clear me to take tegretol for pain. she cut my visit short due to her having an ~~appt~~ conference meeting. She ignored my complaints of scrotum pain, head pain, lower back pain
- (175) She said I'd be seen the next day. The next day I had a lay in and was denied attendance by security
- (176) about 2-3 weeks later it was lockdown, defendant Rose came to my cell and told me I thought I took care of you. And I explained about her cutting my appt short and her not addressing everything and she said ok that makes sense, "Don't tell me everything wrong with you Right now I'll have you pulled out!", never did
- (177) Defendants Parker, Webb, and Miller are in charge of Security defendant ~~and~~ ~~and~~ is the captain on the Building in charge of the day to day operations, these defendants are the ones telling security not to let an inmate out if he hasn't been called out by medical whether that inmate has an lay in appointment or not

- (177) Now I have a permanent limp, whereas before I worked out regularly and was very active.
- (178) My mental health is deteriorating because I can't exercise, I am self-mutilating on a regular basis because I am depressed.
- (179) I am in extreme pain still in my ~~left~~ right knee, left heel, lower back, neck, and scrotum, with migraine headaches, light hurts my eyes.
- (180) Medical is responding to my sick calls telling me it's my fault I keep getting rescheduled that I need to attend all my appointments yet security prevents me.
- (181) Medical puts me down as a no show on my medical appointments yet they know that ~~no~~ security doesn't let us go to medical unless we are called out.
- (182) I am cutting myself to take my mind off my pain.
- (183) I have slipped and fell several times further injuring myself causing contusions, lacerations and extreme pain.
- (184) I am suing all defendants in their individual and official capacities.
- (185) I had an infected sore in my left ear, I put in several sick calls, was ignored on every one, I now have hearing loss (significant) in my left ear because I wasn't treated.
- (186) I have extreme pain in my left heel, that I feel constantly and intensifies when I walk, it's never ever been examined.
- (187) Due to my constant scrotum pains I can't even get an erection now.

- (188) I've spoke with defendants miller, parker, webb, Rose, Rojas, Sanchez, Taylor, and many other staff members about the problems with medical to no avail
- (189) I've filed grievances without ever getting a response, I've filed stop 2 grievances explaining on them that no one ever answers my stories those too disappear.
- (190) I've sent requests, complaints etc... to Defendant Collier to no avail. I've made every attempt to exhaust state admin remedies to no avail
- (191) Today is 2-8-22 I've put in over 100 sick calls since Oct-5th 2021 4 months and I've been seen about 10 times by medical in entirety. I've been ignored most of the time. I have issues such as serotum pain that's been ignored that entire time. They consistently refuse to even examine me
- (192) Rarely are their sick call forms available, most of the time we as inmates are forced to use blank paper in lieu of sick calls.

Claims for Relief

- ① defendant Jane doe #6 violated my 8th Amendment Rights By Behs Deliberately indifferent to my Serious medical needs By Refusing to do An injury Report at Paragraph 27, which caused me to Fall and Further injur myself then she ignored my complaints, Did no examination. These Actions unnecessarily prolonged my pain and Sufferings
- ② defendants Garcia, Robles, And olvera violated my 8th Amendment Rights By conspiring together to prevent me from going to a medical appointment which was for a serious medical need, causing me to Fall in my cell after I Reacted with an emotional outburst which caused 2 Deep cuts to my leg. (Right) Then were Deliberately indifferent to my Serious medical needs in that when olvera and Robles came to my cell to see my cuts they laughed at me and jst Bleed to Death Bitch. these also constitute actions which ~~constitute~~ are Shocking to the conscience.
- ③ defendant McIntire violated my 8th Amendment Rights By using excessive use of Force without a Justified need for such, causing me further injury By not taking my Disabilities in consideration while using said use of Force on me. when I never Resisted. Also in that He prevented me from receiving medical attention without Reason. He ignored my complaints of 2 Deep cuts on my leg (Right). then He had medical lie and say I was suicidal which caused me to Be involuntarily committed to a Psychiatric Facility.
- ④ defendant K. Brown violated my 8th Amendment Rights By Being deliberately indifferent to my serious medical needs in that she Refused to allow me to Attend a medical appt. For a serious medical need. She ignored me when I showed her 2 Deep cuts to my Right leg from Falling. neft She Cried and said I told her I was going to cut my self.

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⑤ defendant McIntire violated my 8th Amendment Rights By Forcing me to endure heat and physical punishment in that after spraying me with C.S. gas He refused to allow me to decontaminate and wash it off, which is standard in MDCJ. They want you to burn for days instead of being able to wash it off. He's told me this personally

⑥ defendant guerra violated my 8th Amendment Rights By being deliberately indifferent to my genuine medical needs in that I showed her I had an injury that even a lay man could determine was serious I.E 2 deep cuts and a dislocated knee and she ignored my complaints, and refused to get me medical attention.

⑦ defendant Jane Doe #7 violated my 8th Amendment Rights By being deliberately indifferent to my serious medical needs in that she was the intake nurse at Montford Psych unit. I informed her ~~at~~ ^{of} my that my knee had been dislocated earlier. I had 2 deep cuts to my right leg, that I had C.S. gas on me and I needed to decontaminate, each and every medical complaint I had she ignored.

Another time I layed unconscious in my cell on the floor and she left ~~the~~ ^{me} there denied me my medication, this necessarily prolonged my pain and suffering and caused me further injury.

⑧ defendant Hansen violated my 8th Amendment Rights By being deliberately indifferent to my serious medical needs in that she came to my cell while I lay unconscious on the floor with a large bruise on my face and was non-responsive she left me there after noting the fact I was injured. Her only concern was that I was breathing. This caused me further injury, ~~unnecessarily~~ ^{necessarily} prolonged my pain and suffering.

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(9) defendant Jane Doe #1 violated my 8th Amendment Rights By Being deliberately indifferent to my serious medical needs in that she saw me noted an injury to my head/Face, yet ignored my complaints of pain, Refused to treat me, Caused me further injury and unnecessarily prolonged my pain and suffering.

(10) defendant John Doe #2 violated my 8th Amendment Rights By Being deliberately indifferent to my serious medical needs in that I informed him I had a serious head injury And He ignored my complaint, causing me further injury and unnecessarily prolonging my pain and suffering.

(11) defendant Kendrick violated my 8th Amendment Rights By ignoring my complaints of serious injury, ignoring my Request for a medical shower after Being told I had a Pass a medical designation for one causing me further injury and ~~unnecessarily~~ unnecessarily prolonging my pain and suffering all constituting deliberate indifference to my serious medical needs probably in violation of Americans with Disabilities Act.

(12) defendant Jane Doe #2 violated my 8th Amendment Rights And the Americans with Disabilities Act By Being deliberately indifferent to my serious medical needs in that she made me shower in a Regular Shower despite my disability shower Pass causing me further injury and unnecessarily prolonging my pain and suffering. then she ignored my complaints of a dislocated knee after I fell in said shower and hurt myself worse.

(13) defendant Bollo and Kendrick violated my 8th Amendment Rights By @ Being deliberately indifferent to my serious medical needs in that they caused me further injury By manhandling me out of the shower after I fell and hurt myself. they unnecessarily prolonged my pain and suffering.

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(14) defendant esquivel violated my 8th Amendment Rights By Being deliberately indifferent to my serious medical needs in that he denied me Attendance to X-Rays for a dislocated knee Because I couldn't walk and knew I couldn't walk. This is also an action that shocks the conscience, It caused me further injury and unnecessarily prolonged my pain and suffering.

(15) defendant Jane doe #2 acted in concert with defendant esquivel in that she had the authority to request he take me to X Ray in a wheel chair and didn't do so Because she didn't want to make "waves" with her co-workers

(16) defendants Hammond and Jane Doe #4 violated my 8th Amendment Rights in that they were Deliberately indifferent to my serious medical needs. when I showed them my dislocated knee, cuts on my leg which were now infected, head injury. they ignored my complaints for medical help. they refused to clean my cell out when it was flooded preventing me from getting to the toilet causing me to use the toilet right to my Bed This is actions that are inhumane and shock the conscience. their actions caused me further injury and unnecessarily prolonged my pain and suffering.

(17) defendant Baughman violated my 8th Amendment Rights By Being deliberately indifferent to my serious medical needs in that I informed him my knee had been dislocated, I had a concussion and several other serious medical symptoms. I informed him I needed to see medical during shower time and he ignored me and went so far as to deny me a shower to prevent me from reporting my medical issues. His actions caused me further injury and unnecessarily prolonged my pain and suffering

(18) defendant Jane Doe #3, defendant's Evans, John Doe #3, Chavez, Longoria violated my 8th Amendment Rights By Being Deliberately indifferent to my serious medical needs.

In that when I informed them that I was housed in inhumane conditions I.E. my room was being used as my toilet, they refused to get me help. when I informed them that I had serious medical issues that I needed medical attention for they ignored me and even laughed at me and ridiculed me

(19) defendant Milton violated my 8th Amendment Rights By Being deliberately indifferent to my serious medical needs in that when I cut my self and was a suicide Risk he ignored me failed to get me medical attention and ever told me I hope you die. these actions constitute a shocking to the conscience.

(20) defendant hammett is a psych provider, she violated my 8th Amendment Rights By Being deliberately indifferent to my serious medical needs By ignoring me when I cut my self and was a suicide Risk which caused me further harm unnecessarily prolonged my pain and suffering and is shocking to the conscience.

(21) defendants Shaffer, John Doe #4 and John Doe #5 violated my 8th Amendment Rights to be free of cruel and unusual punishment By Being deliberately indifferent to my serious medical needs in that After I showed them I cut my Arterial vein in my Right arm, they came in my cell to get the sharp ~~need~~ metal But denied me medical attention. this caused me further harm, my arm cut got infected, and it necessarily prolonged my pain and suffering

(22) Defendant John Doe #16 violated my 8th Amendment Rights By Being deliberately indifferent to my serious medical needs By ignoring me After I informed him of my dislocated knee, head wound, infected cuts on my leg X3, Concussion like symptoms, and feces on my floor, his actions caused me further harm and necessarily prolonged my pain and suffering

(23) Defendants Chavez, Longoria, Milton violated my 8th Amendment Rights By Being Deliberately Indifferent to my serious medical needs. In that they came in my cell when the orderlies cleaned my cell, they saw I couldn't walk, had a head wound, had concussion like symptoms, they knew I had an infected cut on my arm, ^{is} +3 on my legs. I showed them and they ignored my complaints, denied me medical attention caused my further injury and unnecessarily prolonged my pain and suffering.

(24) Defendant Burresca violated my 8th Amendment Rights By Being deliberately indifferent to my serious medical needs. When I saw him he ordered me brought to him in a wheel chair, he ordered me to x-rays in a wheel chair knowing I couldn't walk, I informed him I had head injuries and infected cuts and he ignored those complaints, ~~he~~ ignored my complaints of pain failed to treat me causing me further injury and unnecessarily prolonged my pain and suffering.

(25) Defendant John Doe #6 violated my 8th Amendment Rights By forcing me to live in inhumane conditions, without toilet paper, in dirty clothes, with no bedding for 2 days in a strip cell without reason after I'd been discharged from crisis management. And this is done on purpose to break inmates to keep them from going to crisis management. This constitutes cruel and unusual punishment.

(26) John Doe #1 violated my 8th Amendment Rights By instituting a policy of giving inmates on suicide watch a "smock" instead of a "suicide blanket"; where a smock is clothing and there is no policy in place that allows for an exchange for clean issues, forcing me to wear dirty clothes that double as bedding for 8 1/2 days causing me Rash, itching, inability to sleep, suicidal self mutilation

the fact that I had to wear the same filthy clothing for 52 days. ^{Case 5:22-cv-00017-BQ Document 1 Filed 02/24/22 Page 41 of 48 PageID 41} ~~Defendants~~ ^{Defendants} ~~by~~ ^{by} ~~denying~~ ^{denying} me the necessities of life, the conscience and constitute cruel and unusual punishment.

(27) Defendant John Doe #11 violated my 8th Amendment Rights by denying me basic human necessities such as change of clothes, tooth brush, toothpaste, toilet paper, shoes, soap, these actions force me to live in inhumane conditions constituting cruel and unusual punishment and shocks the conscience.

(28) Defendants J. Rojas and L. Smith violated my 8th Amendment Rights by being deliberately indifferent to my serious medical needs in that I was denied ~~medically~~ medically prescribed braces for my knee simply because none were in stock, they ignored my complaints of scrotum pain, did no examination because they were uncomfortable doing so, causing me further injury and unnecessarily prolonging my pain and suffering.

(29) Defendant John Doe #12 violated my 8th Amendment ~~for~~ Rights and my Rights under the Americans with Disabilities Act by not housing me in a cell with a medical disability accessible shower, which caused me further injury and unnecessarily prolonged my pain and suffering all constituting deliberate indifference to my serious medical needs.

(30) Defendant John Doe #13 violated my 8th Amendment Rights by being deliberately indifferent to my serious medical needs in that after the medical department ordered me to the E.R. for X-Rays He delayed transporting me to the E.R. an excessive amount of time causing me further injury and unnecessarily prolonging my pain and suffering.

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(31) defendant Jim Webb violated my First Amendment Rights By Failing to take action after I notified him that my personal items were being held out of my possession, preventing me from practicing my religion.

(32) defendant Jim Webb violated my 8th Amendment Rights By Being deliberately indifferent to my serious medical needs By creating a system that prevents ~~me~~ from attending my medical appointments. (31) By directing his security staff Not to Allow me into medical unless medical specifically calls for me. said actions caused me further harm, and unnecessarily prolonged my pain and suffering.

(33) defendants Webb, Miller, ~~Webb~~, and Parker violated my 8th Amendment Rights By Being deliberately indifferent to my serious medical needs By maintaining a policy that interferes with me receiving adequate medical care and failing to remedy unlawful conditions they know about. I've told each and every one personally that their security ~~office~~ officers Refuse to Allow me to go to medical when I have appointments unless medical personnel call for me specifically and they've told me that's because that's how they tell those security officers to run the high security ~~unit~~ buildings. I've also filed lots of grievances on this process, 10 and never received an answer. These defendants have known that my requests for medical treatment were being ignored.

(34) defendants Taylor, Sanchez and a host of other defendants that will come after discovery have violated my 8th Amendment Rights By Being deliberately indifferent to my serious medical needs By preventing me from going to medical when I had medical appointments, each every time I explained in full all my medical problems which were serious such as chest pains, extreme pain in my neck, head, foot, knee, severe limp, inability to walk, concussion symptoms, psychiatric issues, suicidal tendencies, every time I was ignored.

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(35) defendant Rose violated my 8th Amendment Rights By Being deliberately indifferent to my serious medical needs by treating me for my knee yet ignoring my other complaints because she had a meeting, delaying and ultimately not providing anything to treat my pain except giving something known not to work ignoring and failing to treat me other times due to scheduling problems, causing me further harm and unnecessarily prolonging my pain and suffering

(36) defendant Rose is the medical director of Smith unit this defendant has violated my 8th Amendment Rights By Being deliberately indifferent to my serious medical needs I've talked to ~~individually~~ and explained what's going on ~~here~~ here this complaint, I've sent numerous letters explaining, filed multiple grievances still this defendant has failed to take action, ignored my complaints, and maintaining a policy that prevents me from receiving medical treatment

(37) defendant Jane Doe #8 is in charge of medical records at the Smith unit. I've talked to several times in person sent several letters requesting to see my medical records and filed multiple grievances, my requests to review my medical records ~~not~~ have gone ignored this violates my 8th Amendment Rights.

(38) defendants Kendrick, Jane Doe #2 violated my Rights under the Americans with Disabilities acts in that I am an American with a physical and mental impairment that substantially limits a major life activity such as showering, there was a record of this impairment, they both failed to make a reasonable accommodation for my disabilities

(39) defendant Baughman violated the Americans with Disabilities Act by excluding me from an activity due to my disability. He excluded me from showering because he didn't want to or couldn't provide me with a medical shower, and he didn't want to put me in a regular shower and have the possibility I could fall and get hurt again.

(40) defendant esquivel and Jane Doe #2 violated my Rights under the Americans with Disabilities act by ~~denying~~ me excluding me from a service activity I.E. + Pass Because of my disability I.E. An ability to walk. Because they were too lazy to get me a wheelchair.

(41) defendant Baughman violated my Rehabilitation act Rights by ~~denying~~ me excluding me from participating in Shower activity, solely Because of my handicap shower Pass,

(42) defendant esquivel and Jane Doe #2 violated my Rights under the Rehabilitation Act by excluding me from participating in medical appointments solely Because of my Disability.

~~(43) defendant esquivel, Jane Doe #2, Baughman, and Reed, ybarra, and sessions violated my Rehabilitation act Rights under the Americans with Disabilities Act by allowing a policy to exist where by I was denied a medical shower multiple times, solely Because of my disability. I was also Denied services By their underlings namely medical, solely Because of my Disability. At the time I could not Ambulate.~~

(43) defendant Luna, Lozada, Ramirez, Reed, ybarra, and sessions are the Administrative Superiors at the Montford unit, they violated my ~~Rehabilitation~~ Rights under the Americans with Disabilities act by allowing a policy to exist where by I was denied a ~~medical~~ shower multiple times, solely Because of my disability. I was also Denied services By their underlings namely medical, solely Because of my Disability. At the time I could not Ambulate.

(44) defendants miller, parker and webb have violated my ADA Rights And my Rehabilitation act Rights By failing to properly supervise, And train their staff about properly housing inmates who have a disability shower pass in Disability shower equipped cells, By allowing me to Be housed in a non medical shower cell, there by preventing me from showering which I have a disability and was prevented from showering.

(45) The State of Texas, Texas department of Correctional Justice, And the executive director of TDCJ Bryan Collier violated my ADA and Rehabilitation act Rights By failing to properly train and supervise its underlings in ensuring that inmates with medical disabilities are provided with showers. they failed to provide Reasonable accommodation for my disability. They were deliberately indifferent to my serious medical needs that they housed me in a housing assignment that was inconsistent with and aggravated my medical condition.

(46) defendants miller, parker, webb, the state of Texas, Texas department of Criminal Justice, the director of TDCJ Bryan Collier, Baughman, Esquivel, Jose Doe #2, Luna, Lozada, Ramirez, Reed, Ybarra, Sessions, John Doe #12 violated my Rights under the ADA and the Rehabilitation Act By failing to provide a Reasonable accommodation for my disability

(47) defendants miller, parker, webb, Collier, Luna, Lozada, Ramirez, Reed, Ybarra and sessions are all TDCJ officials and each one of These defendants have failed to follow their own policy, Rules, Regulations and procedures this is An independent violation of my Due process Rights.

Relief Requested

A) Declaratory Relief: the plaintiff asks the court to issue a declaratory statement - stating that each defendant violated his constitutional rights as described in claims for relief portions of this complaint and to issue a declaratory statement stating that each defendant violated his A.D.A. rights and Rehabilitation Rights as described in claims for relief - statement of this claim

B) nominal damages: the plaintiff requests the court to grant him nominal damages as it appears he may be entitled to.

C) compensatory damages the plaintiff requests the court to grant him compensatory damages as it may seem he is entitled to.

D) punitive damages: The plaintiff requests the court to ~~grant~~ ^{grant} him punitive damages as it may seem he is entitled to

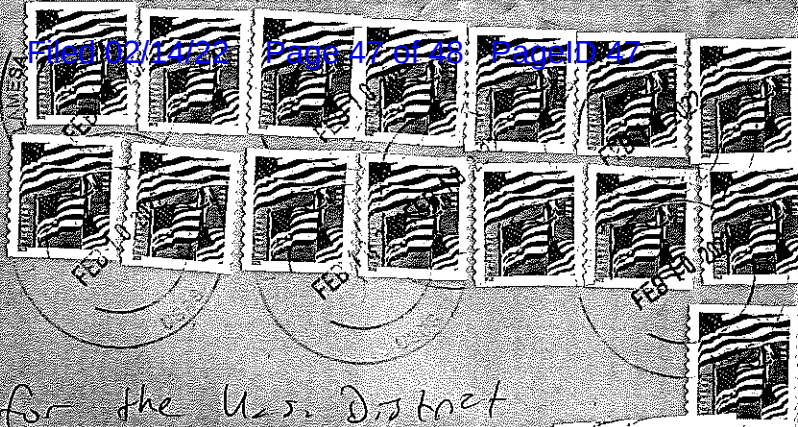
F) other relief: the plaintiff request the court to grant him ~~any~~ Any other relief as it may seem he is entitled to:

Robert Gonzale

#1998719 Smith

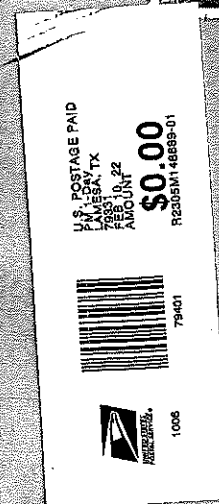
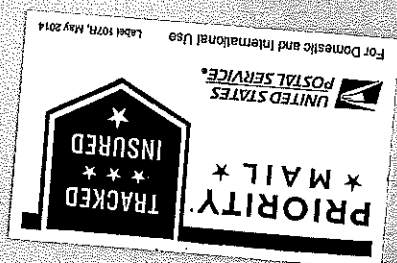
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